

Closing Loophole, EPA Regulation Prohibits Asbestos Products from Re-entering Market without Review

Ex. 5 Attorney Client (AC)

WASHINGTON – Today, the U.S. Environmental Protection Agency (EPA) issued a final regulation that ensures that discontinued asbestos products cannot be reintroduced into commerce without a rigorous EPA evaluation and putting in place any necessary restrictions, including prohibiting use.

“This is the first time in 30 years that EPA is taking action under the Toxic Substances Control Act on products that contain asbestos and, today, we’re closing a dangerous loophole,” said EPA Administrator Andrew Wheeler.

“The scientific data clearly indicates that asbestos is a known human carcinogen and EPA is taking steps to protect the American public from the adverse health effects of asbestos,” said EPA Office of Chemical Safety and Pollution Prevention Assistant Administrator Alexandra Dapolito Dunn. “Today, we are following the laws Congress gave us to close the door on certain asbestos products to prevent them from returning to the marketplace without EPA’s review.”

Today’s action means products like asbestos vinyl floor tiles, insulation, and other building materials, as well as some clothing and manufacturing products containing asbestos, cannot be produced and sold before EPA reviews them and puts in place any necessary restrictions, including prohibiting any such use. This action keeps prohibitions made in 1989 in place and would not amend them in any way. In other words, this action maintains the status quo and goes one step further to ensure that no discontinued products that contain asbestos can come back on the market.

This final rule is one part of a holistic approach that EPA is taking under the Frank R. Lautenberg Safety for the 21st Century Act to protect the public from asbestos exposure. When it comes to the limited, remaining asbestos or asbestos products, because addressing asbestos is a priority for EPA, the Agency has selected asbestos as one of the first 10 chemicals to undergo a risk evaluation under the amended TSCA.

In a separate, but related action, EPA is in the process of evaluating the risks associated with other asbestos products. This step is required under TSCA section 6, before EPA can restrict or ban other asbestos uses in products, if unreasonable risk is found. This risk evaluation ensures that asbestos uses in products not covered by the 1989 ban or today’s final rule are evaluated, and if the evaluation concludes with a finding of unreasonable risk that this will be addressed by EPA. EPA is committed to a transparent and open process to finalize the asbestos risk evaluation using sound science.

Under today’s rule the following products in which asbestos is used are prohibited from being manufactured, imported or processed until EPA conducts a thorough review, makes an appropriate determination, and takes actions as required in association with that determination, including prohibiting use: [LINK](#).

The following were banned in 1989 (all remain banned): [LINK](#)

Draft/Deliberative Material

The following are part of EPA's risk evaluation: [LINK](#)

Today's final action takes effect 60 days after publication in the Federal Register. The final rule and supporting documents will be published in the Federal Register and available under docket identification number (ID) EPA-HQ-OPPT-2018-0159 at: [\[HYPERLINK "https://www.regulations.gov/" \]](#)

Learn more about asbestos: [\[HYPERLINK "http://www.epa.gov/asbestos" \]](#)